

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**KENNETH G. CHARRON,  
APPELLANT**

**vs.**

**JEREMIAH W. (JAY) NIXON,  
RESPONDENT**

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DOCKET NUMBER WD72315

DATE: AUGUST 3, 2010

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Appeal from:

The Circuit Court of Cole County, Missouri  
The Honorable Jon E. Beetem, Judge

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Appellate Judges:

Division Two: Victor C. Howard, P.J., Thomas H. Newton and Gary D. Witt, JJ.

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Attorneys:

Kenneth G. Charron, Appellant Pro-se

Michael J. Spillane, for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**KENNETH G. CHARRON, APPELLANT**

**v.**

**JEREMIAH W. (JAY) NIXON, RESPONDENT**

WD72315

Cole County, Missouri

Before Division Three Judges: Victor C. Howard, P.J., Thomas H. Newton and Gary D. Witt, JJ.

Kenneth Charron, who is currently serving a life sentence for a forcible rape conviction, filed a petition for declaratory judgment regarding “good time” credit on his sentence. The trial court granted the State’s motion for summary judgment, finding that Charron had no entitlement to be considered for good time credit. Charron appeals.

**AFFIRMED.**

**Division Three holds:**

- (1) Where Charron was serving a life sentence and had no specific conditional release date or entitlement to good time credit, a regulation disallowing inmates serving life sentences from receiving time credit did not affect a substantive right of Charron and, therefore, could be applied to Charron without violating Missouri’s ban on retrospective laws.
- (2) Where the General Assembly gave the Department of Corrections the freedom to create and implement a good time credit policy, the regulation enunciating that policy was properly promulgated.
- (3) Where the statute requiring the Department of Corrections to issue a policy for awarding time credit provided that the policy “may” reward an inmate with time credit, the language of the statute did not create an entitlement to time credit.
- (4) Where there was no evidence that the judgment was not the result of independent reflection by the trial court, the court did not err in adopting the State’s proposed judgment.
- (5) Where the trial court denied motions to intervene filed by two other inmates, those inmates, rather than Charron, were the parties aggrieved by the trial court’s action, and Charron did not have standing to appeal the denial of the motions.

**Opinion by: Victor C. Howard, Judge**

Date: August 3, 2010

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